

MADRAS RECORD OFFICE.

Government of Madras.

Colonial **DEPARTMENT.**

G.O. No.	205-109-	Press
		~~Mis.~~
Dated	9-2-	1857

Not to be folded or roughly handled

Done
4/2/30

Memorandum

I presume that this should go to the Sudr for their opinion—

If the Court to be established at Tanjore is to be a District Moonsiff Court—there seems no reason why the two Principal Sudr Ameen's Courts for Combaconum should not be established there at once—The two descriptions of Courts are quite distinct—the former being of original—the latter, in civil matters, wholly of appellate jurisdiction—

I see no necessity for any Act as suggested in

very good but we should have the opinion of the Sudr. Ameen.

4/1/66

It is not well to require for
the establishment of new courts
but I doubt whether such
new courts can legally take
up the decrees of the
late court & enforce them
without being specially authorized by law
I think such enforcement
should be carried out with much
tenderness. The quality
of the decisions of officers
of the class & scale of salary
described by Mr Phillips is
not likely to be such as to
inspire confidence in the
equity of their judgments
I think that it should be open
to all parties both in substance
to show cause against execution
or to allow the four courts to
grant new trials if satisfied
of their being ground.

held by such courts of those
of the late Rajah

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I am on the property
of Mr P. S. perpositions
of the late Rajah

By

open & clear

Tanjore
Commissioner's Office
9th February 1857.

From Mr. D. Phillips Esq
Commissioner of Tanjore

To Mr. J. Pycroft Esq
Chief Secretary to Government
Fort St. George.

Sir,
Para 1

I have the honor to reply to an
Extract from Minutes of Consultation
dated the 27th ultimo, 1853, requiring
me to state what provision I would
recommend for the future dispensa-
tion of Civil and Criminal Justice
in the territory of the late Raj of
Tanjore which has hitherto been exempt
from the operations of the Company's
Courts.

2. Up to the present time Civil
Suits

Suits, within the late Rajah's very prescribed limits, have been adjudicated by three tribunals. Criminal trials have been held and sentences passed in only one.

3. The Civil Courts were, I understand, intended to resemble the Company's Courts. One of these has original jurisdiction and receives suits involving an unlimited amount of litigation. The decisions there passed are appealable to the Court next above it, whence a second, or Special Appeal, may be preferred to the highest Court.

4. The last named Court is presided over by two judges, who are respectively remunerated at the rate of 50 and 25 rupees a month.

Month - The salary of the judge in the Appeal Court is 40 Rs. a month, whilst that of the judge in the Court of original jurisdiction is 25 Rs. They are respectively assisted in their deliberations, by Pundits, who draw a monthly salary ranging from 20 to 7 rupees. Of these officers there are fourteen. The aggregate amount monthly paid to them is 156 Rs. and the entire monthly cost of the late Rajah's Civil judicial establishment is 954 Rs.

5. Criminal justice does not seem to have been conducted on any known principle and I incline to the belief that the views of the late Rajah and of those about him, had considerable weight in

in all matters calling for a
formal sentence. The Judge
of the Rajah's Criminal
Court or Police Officer, draws
25 rupees a month. He has
five Pundits attached to his
department, whose joint salaries
amount to Rs 57. The monthly
cost of this Court is Rs 175-12-
making the monthly expenditure
caused by the four Courts, Rs
1129-12-
At present
there are but two prisoners
under sentence of imprison-
ment by the Criminal Court.

The

6. The arrears of Civil suits
awaiting disposal by the Rajah's
Court is not large. It con-
sists of 130 original suits, 39 ap-
peals and 13 special appeals.
Of these there are 11 in the
original and Appeal Court,
on which no proceedings have
as yet been taken. The re-
maining 177 are in various stages
of progress.

7. The aggregate of unre-
cited decrees in the Court of
original jurisdiction is appa-
rently important being, so high

in 1972, but it is reported
to me that in 454 of these,
the amounts due under
the judgements passed,
have been and are in
course of liquidation from
the salaries of the defend-
ants, that applications for
execution have been received
in 414 instances, in respect
of which nothing has, as yet,
been done; and that in
589 suits from various

Cause

causes, the applications for
execution should be removed
altogether from the File.

8. There would thus
remain 808 applications
for execution of judgement
to be disposed of by the
Courts, but as these must, if
necessity, ignore all arrears;
amounts calculated to render
them the mere recipients of
portions of salaries paid in
liquidation of judgement

delet.

debt, the labor of carrying out
executions on application made,
will principally arise from
the ~~4th~~ suits on which it is
intimated to me that, as yet,
no applications have been
preferred.

Q. In such instances however
it is probable, I submit, that an
important part of the litigation
will be altogether abandoned or
compromised so soon as the trans-
fer of jurisdiction shall have
been legalized, and therefore
it will be unlikely that the
new Courts will be embarrassed
by an array of judgments
requiring the mere process of execution.

10. As regards the description of
Court now to be created at Tanjore in su-
percession and in substitution for those
of the Raj about to be abolished, I have
personally seen and communicated with
Mr. Beauchamp, the Civil & Session Judge
of Coimbatore, whose sentiments I felt
it to be my duty to ascertain. He agrees
in deeming it not to be advisable to locate
at Tanjore a Principal Sudder Munsif.

Mr. Beauchamp's time is much
fully occupied and he believes it would be
wholly impracticable to dispose of the
additional work that would fall on him
should a Principal Sudder Munsif's Court be
established at Tanjore; for, as the Go-
vernment are aware, it would then be
necessary for the Civil Judge himself
to decide every appeal in suits disposed of
by such Principal Sudder Munsif, however
small their amount or unimportant
their character.

12. We consider it would be a
preferable arrangement to establish in
Tanjore

12. I propose a District Moonsiffship of the 1st class and we would assign to the officer appointed to it, the criminal jurisdiction specified in Act **XII** of 1854, in all cases arising within the limits of the territory over which the late Raj had personal police control. -

13. The civil jurisdiction of the new District Moonsiff's Court, should, we consider, embrace the area within & without the walls of the two Tanjore Forts which has heretofore been exempt from the ordinary jurisdiction of the Company's Courts, and in addition, all that portion of the present jurisdiction of the District Moonsiff of Trivani, which, being part of the Trivani Talook, lies south of the Kinnar river up to its junction with the Pottan, as well as that part which is south of the latter river. -

14. During the past year there appear to have been filed in the Court of the District Moonsiff of Trivani, so many as 1500 suits of which the larger portion

portion are believed to have been brought from that part of this officer's present jurisdiction, which is not affected by the plan now proposed for adoption. - The arrangement nevertheless will be productive of some relief to the heaviness of his file. -

15. The new District Moonsiff of Tanjore should, I submit, have the assistance of an establishment such as is usually assigned to a District Court of the 1st class with the additional aid of a lawabaz and a jamastah for the conduct of the criminal work of his office, on a salary of 15 and 10 Rs. respectively. -

16. It is my intention when the proper time shall have arrived, to bring the area of the Rajah's own limits under the authority of a Police Ameen, and, for some months after the abolition of the Rajah's Courts, I shall be particular in settling every case that can be so disposed of, under the jurisdiction

jurisdiction of the Magistracy as extended
by Act VII of 1843. But the details of
the police arrangements of the Town
will form the subject of a separate
communication that I intend submit-
ting when I have ascertained the best
mode of availing myself of the ser-
vices of such of the Rajah's outwall
Peons, about to be discharged, as are fit
for Police duties.

17. I am ignorant whether any
special legislation be necessary to enable
a District Munsiff's Court, newly estab-
lished in the manner suggested by me, to
dispose of suits now pending, or hereafter
to be filed in the Rajah's tribunals, and
of which the amount may fall within
its jurisdiction. If such be required, I
apprehend a brief declaration that he
is empowered to deal with them under
the Regulations, will be sufficient, & I
conclude that the declaration to that
effect, should appear in an Act which
it will be advisable to pass.

18. I further apprehend that
the Civil Judge of Combaconum and the
Subordinate Judge at that station, must
be similarly empowered to deal with
all those suits falling within their
respective jurisdiction that may be
on the files of the Rajah's Courts at
the date of their abolition; and it
would, I submit, facilitate the ad-
justment of the decrees of the Rajah's
Courts still unexecuted, if the parties
interested were to be by law, required
to address themselves for execution, to such
of the Company's Courts as, with reference
to the amount originally in issue, would
have had legal cognizance of the claim.

19. By the census taken in
1855/56 the population within the
Tanjore Forts was estimated at 25,425
persons and that of the suburbs at
45,414. total 70,839.

I have the honor to be

Tanjore
9 February 1857

Sir,
Your most obedient servant
D. D. Miller
Commissioner

Pol. Dept

Extract Min Cons: No 205. Dated 9 March 1857.
 Read the following letter Feb 1857
 From Commission of Tanjore N. 109.

Resolved that the
 above letter be forwarded
 to Mr. Justice of
 the Court of India &
 Foreigners Adawlat
 for their opinion upon
 the arrangements
 proposed by the Com.
 of Tanjore in N. 12.
 and following part
 of his letter - for the
 establishment of a
 Company's Court
 at Tanjore -
 2 With respect to
 the suggestion of the

St
 G
 R
 R

126. 1857

From the Commission
 to the Chief Secretary
 to Government

123 & 64 1857

4-109

Min. Cons. No 205

1-130. 1857.

March

Respecting the Commission
 announced (in N. 12)
 in substituting for
 the British Court in
 the Tanjore District
 from the operation of
 the Company's Court.

200. L. to Com. N. 12. Dated
 Dec 13 of 1857. Dec 22

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Copy to Mr. Justice
 dated 9 March 1857.
 No. 205.

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Commissioner on page
17 that it may be
advisable to pass an
Act in consequence of
the transfer of juris-
-diction, it may be
observed that no Act
was passed on the
establishment of a
Company's Court in
the settlement of Iran-
-gah after its es-
-tablishment in 1845 - that
by Regulation VI. 1816
the Govt. are empow-
-ered to appoint any
number of District
Munsifs in the
Munsif Courts in
the several Districts of
this Presidency - &
that by Act VI. 1813

they may with the
sanction of the Supreme
Govt - for which special
application has been
-ly been made in the
case of Tanjore -
either to enlarge the
limits of the jurisdic-
-tion of any District
Court - The opinion
of the Government
will however be ex-
-pressed, whether, with or
special legislation
which it is desirable
if possible to avoid -
arrangements might
not be made, on the
introduction of the
new Court, for the
disposal of cases

Old Lakeview H. Aug 8
No 13 of 1857 Jan 22

St. Louis. 10th March 1857

1829.5.

Edward M. East

Dated 9th March 1857.
 Received of Mr. J. W. Smith
 the sum of £100.00.
 1857 March 9th 1857.

Theresa Delaney

[illegible]

Official legislation, arrangements
might not be made, on the in-
struction of the Board and for
the disposal of cases in progress
between the Board's limits as well as
for the execution of judgments
made by them.

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